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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/553,810

10/18/2005

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EXAMINER

TRAN, MY CHAU T

ART UNIT

PAPER NUMBER

2629

MAIL DATE

DELIVERY MODE

05/18/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/553,810	Applicant(s) BURNETT ET AL.	
	Examiner MY-CHAU T. TRAN	Art Unit 2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Application and Claims Status

1. Applicant's amendment and response filed 03/05/2009 are acknowledged and entered.
2. Claims 1-9 were pending. Applicants have amended claims 1-9. No claims were added and/or cancelled. Therefore, claims 1-9 are currently pending and are under consideration in this Office Action.

Status of Claim(s) Objection(s) and/or Rejection(s)

3. The rejection of claims 1-5 under 35 USC 112, first paragraph, has been withdrawn in view of applicant's arguments, see pg. 4-5, filed 03/05/2009.
4. The rejection of claims 1-5 under 35 USC 112, second paragraph, as being indefinite has been withdrawn in light of applicant's arguments, see pg. 4-5, filed 02/05/2009.
5. The rejection of claim 9 under 35 USC 101 because the claimed invention is directed to non- statutory subject matter has been withdrawn in view of applicant's amendments of claim 9.

Maintained Rejection(s)

Claim Rejections - 35 USC § 102

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Art Unit: 2629

7. Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Miyashita (US Patent 5,136,397).

For *claims 1-5*, first claim 1 recite the limitations of “*means for receiving a power-off command, means for maintaining the lamp in an off- condition during a predetermined cool-down period following receipt of the power-off command, means for receiving a power-on command during the predetermined cool-down period, and means for automatically powering on the lamp at the end of the predetermined cool-down period if the power-on command is received during the predetermined cool-down period*” wherein these means (or step)-plus-function claim limitations are interpreted to be one single device, i.e. a controller. This interpretation is fully supported by the instant specification (see section: [00015]; fig. 1). Here, Miyashita discloses a video projection system (see e.g. Abstract; col. 2, lines 26-36; fig. 2). As illustrated by figure 2, the system comprises a control unit (ref. #32) (refers to instant claimed means (or step)-plus-function claim limitations), a display, and a lamp (see e.g. col. 4, lines 12-42). The control unit (ref. #32) controls and operates the display and lamp (see e.g. col. 4, line 43 thru col. 5, line 20; col. 8, line 13 thru col. 9, line 47; figs. 11A, 11B, and 12-14). Miyashita discloses a method of turning the lamp off that comprises the steps of receiving a power-off command and maintaining the lamp in an off-condition during a predetermined cool-down period of time following receipt of the power-off command (see e.g. col. 8, line 13 thru col. 9, line 47; figs. 11A, 11B, and 12). Miyashita discloses also a method of restarting the lamp that comprises the steps of receiving a power-on command during the predetermined cool-down period of time, and automatically powering on the lamp at the end of the predetermined cool-down period of time if the power-on command is received during the predetermined cool-down period of time, and signaling receipt

Art Unit: 2629

of a power-on command during the cool-down period of time (see e.g. col. 9, lines 28-47; fig. 14). The system further comprises LED (refers to instant claim 3), a timer (refers to instant claim 4), and a counter (refers to instant claim 5) (see e.g. see e.g. col. 8, lines 13-59).

For *claims 6-8*, Miyashita discloses a method of turning the lamp off that comprises the steps of receiving a power-off command and maintaining the lamp in an off-condition during a predetermined cool-down period of time following receipt of the power-off command (see e.g. col. 8, line 13 thru col. 9, line 47; figs. 11A, 11B, and 12). Miyashita discloses also a method of restarting the lamp that comprises the steps of receiving a power-on command during the predetermined cool-down period of time, and automatically powering on the lamp at the end of the predetermined cool-down period of time if the power-on command is received during the predetermined cool-down period of time, signaling receipt of a power-on command during the cool-down period of time, and blinking an indicator for the remainder of the cool-down period of time following receipt of a power-on command during the cool-down period of time (see e.g. col. 9, lines 28-47; fig. 14).

For *claim 9*, Miyashita discloses that a microprocessor system performs all of the functions of the control unit wherein several computer-implemented processes (programs) are used (see e.g. col. 5, lines 21-47; fig. 3). A program that performs the method of turning the lamp off that comprises the steps of receiving a power-off command and maintaining the lamp in an off-condition during a predetermined cool-down period of time following receipt of the power-off command (see e.g. col. 8, line 13 thru col. 9, line 47; figs. 11A, 11B, and 12). Miyashita discloses also a program that performs the method of restarting the lamp that comprises the steps of receiving a power-on command during the predetermined cool-down

Art Unit: 2629

period of time, and automatically powering on the lamp at the end of the predetermined cool-down period of time if the power-on command is received during the predetermined cool-down period of time, signaling receipt of a power-on command during the cool-down period of time, and blinking an indicator for the remainder of the cool-down period of time following receipt of a power-on command during the cool-down period of time (see e.g. col. 9, lines 28-47; fig. 14).

Therefore, the device, product, and method of Miyashita do anticipate the instant claimed invention.

Response to Arguments

8. Applicant's arguments directed to the above 102(b) rejection were considered but they are not persuasive for the following reasons. Please note that the above rejection has been modified from its original version to more clearly address applicant's newly amended and/or added claims and/or arguments.

[1] Applicant alleges that the reference of *'Miyashita does not disclose or suggest automatically powering on the lamp at the end of the predetermined cool-down period of time'*.

Thus, the teachings of Miyashita do not anticipate the instant claimed invention

This is not found persuasive for the following reasons:

[1] The examiner respectfully disagrees. It is the examiner's position that the teachings of Miyashita do anticipate the inventions of the instant claims. Here, Miyashita does disclose the method step of *'automatically powering on the lamp at the end of the predetermined cool-down period of time'*. Miyashita discloses in the subroutine of restarting the lamp as shown in figure 14 there is a time delay before the lamp is turned on, i.e. *'automatically powering on the lamp at the end of the predetermined cool-down period of time'* (see col. 9, lines 27-47). Consequently,

Art Unit: 2629

Miyashita does disclose the method step of '*automatically powering on the lamp at the end of the predetermined cool-down period of time*'.

Therefore, the teachings of Miyashita do anticipate the inventions of the instant claims, and the rejection is maintained.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MY-CHAU T. TRAN whose telephone number is (571)272-0810. The examiner can normally be reached on Monday: 8:00-2:30; Tuesday-Thursday: 7:30-5:00; Friday: 8:00-3:30.

Art Unit: 2629

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Eisen can be reached on 571-272-7687. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MY-CHAU T. TRAN/
Primary Examiner, Art Unit 2629

May 15, 2009